REMARKS

Claims 1 – 3 and 16 – 32 remain in the application and stand rejected. Claims 4 – 15 are previously canceled without prejudice. Claims 1, 2, 22, 23 and 28 – 32 are amended herein. Although this proposed Amendment is being timely filed, the Commissioner is hereby authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

The MPEP provides in pertinent part "the examiner should always look for enabled, allowable subject matter and communicate to applicant what that subject matter is at the earliest point possible in the prosecution of the application." MPEP 2164.04 (emphasis original).

Claims 1 – 3 and 16 – 32 are rejected under 35 U.S.C. §103(a) over published U.S. Patent application number 2002/0123983 to Riley et al. in combination with U.S. Patent No. 6,385,609 to Barshefsky et al. The rejection is respectfully traversed.

Acknowledging that Riley et al. fails to teach the present invention, the Office action relies on Barshefsky et al. col. 9, lines 19 – 21 and the tables of Figure 6 "showing record layouts for constructing a database for use in conjunction with the system" (page 3, last paragraph and Barshefsky et al. col. 4, lines 5 – 6) to teach "categorizing said matched data elements to create standard tables that contain information to be used to monitor and measure provided integrated services" as recited in claims 1 and 2. Regardless, the addition of Riley et al. still does not make the present invention obvious.

The Office action continues to assert that "generating an integrated services report from said standard tables," (claim 1) is disclosed by Riley et al. in paragraph "0137, an **assignment to a high level** is made through a notification." Page 5, fist full paragraph, lines 1 and 2 (emphasis added). This is followed with what appears to be repetition of the prior interpretation of notification (Figure 8) as an integrated services report with priority determined by an impact chart (Figure 8).

As the applicants have previously noted, if a service desk operator cannot resolve a "request or problem on the spot, the request may be placed into a queue for assignment 44. **The person assigned to the problem (assignee)** then attempts to resolve the problem 45, possibly with assistance from the service desk knowledge repository 22 or other resources available to the assignee." Riley et al., paragraph 0094 (emphasis added). "FIG. 9 is a process for resolving service requests ... [with a] request **assignment** of the problem **to a higher tier operator 44.**" Paragraph 0136 (emphasis added). "**An assignment** to a high level is ... to Tier 2 or Tier 3 **personnel**." Paragraph 0137 (emphasis added). Assigning a task to personnel and then notifying the assigned personnel is not the same as generating an integrated services report as recited in the claims, at least not given the broadest reasonable interpretation of either "an integrated services report" or a "notification." MPEP, §2111. Moreover, "FIG. 11 is a flowchart for a process 44 of assigning service requests if a service desk operator cannot handle the call on-line." Paragraph 0139. It is clear from Riley et al. Figure 11, that the notification is not generating a report and certainly not generating an integrated services report, regardless of how data contained in the report may be stored.

Furthermore, although ostensively responding to the applicants prior assertion that Riley et al. is not providing data in real time or near real time as recited in claims 22, 23, 29 and 30; the Office action asserts that "Riley et al. discloses that metrics used may include clock or calendar time from request to resolution confirmation. Accordingly, near real time is disclosed." Page 12, 5A, *and see*, pages 9 and 11, first 2 paragraphs. Implicit in this statement is that real time is not disclosed.

Moreover, even if applicants were to agree *arguendo* that including clock or calendar time from request to resolution confirmation disclosed including near real time information as recited in claims 23 and 30, which applicants do not; it does not disclose including real time information. Real time is well known to mean that the data/information is contemporaneous, i.e., presented at the actual time during which something takes place. *See e.g.*, www.merriam-webster.com/dictionary/real%20time and en.wikipedia.org/wiki/Real_time. Moreover, the specification specifically defines real time as less than one minute old. See, e.g., page 6, line 9. Including a start and stop time ("clock or calendar time from request to resolution confirmation")

does not provide real time information and certainly extends beyond 1 minute. Therefore, Rilely et al., and every other reference of record, fails to teach or suggest the present invention as recited in claims 22 and 29.

Claims 1 and 2 are amended to recite that the reports include real time information. This is supported by the specification, claims 22 and 29 and canceled claims 5 and 11. No new matter is added. Further claims 22 and 28 are amended to depend from claim 31 and 32 (which is amended to depend from claim 26), respectively, and specifically recite that real time is less than 1 minute and that it is directed to identified system critical data. This is supported by the specification at page 6, lines 6 – 9. No new matter is added. Claim 23 also is amended to depend from claim 31 and claims 23 and 30 are amended to recite that the near real time data is less than one hour old and for recent transactions. This is supported by the specification at page 6, lines 10 – 13. No new matter is added. Claim 29 is amended to depend from claim 30 and to recite that the reports may include information collected daily. This is supported by the specification at page 6, lines 14 – 16. No new matter is added. None of this is taught or suggested by any reference of record. Reconsideration and withdrawal of the rejection of claims 1, 22, 23 and 28 – 30 under 35 U.S.C. §103(a) is respectfully requested.

As previously noted, dependent claims include all of the differences with the references, as the claims from which they depend. MPEP §2143.03 ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."). Therefore, Riley et al. and Barshefsky et al., alone, or further in combination with any other reference of record, fail to teach, result in or suggest the present invention, as recited by claims 3 and 16 – 21, 24 – 27, 31 and 32, which depend from claims 1 and 2. Reconsideration and withdrawal of the rejection of claims 3 and 16 – 21, 24 – 27, 31 and 32 under 35 U.S.C. §103(a) is respectfully requested.

The applicants have considered the other references cited, but not relied upon and find them to be no more relevant than the references upon which the rejection is based.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1 – 3 and 16 – 32 under 35 U.S.C. §103(a) and allow the application to issue.

Again the applicants note that MPEP §706 "Rejection of Claims," subsection III, "PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED" provides in pertinent part that

> If **the examiner** is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she **may note** in the Office action that **certain aspects or features** of the patentable invention have not been claimed and that if properly claimed such claims **may be given favorable consideration**.

(emphasis added.) The applicants believe that the matter presented in the written description of the present application is quite different than, and not suggested by, any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

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(Date)

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